

1  
2  
3  
4  
5  
6 BRIAN WHITAKER,  
7 Plaintiff,  
8 v.  
9 JOHN J. SUSA, et al.,  
10 Defendants.

Case No. [21-cv-06402-WHO](#)

**ORDER TO SHOW CAUSE**

11 On November 3, 2022, I denied plaintiff Brian Whitaker's motion for default judgment  
12 without prejudice because one of the three defendants in this case, Mercado Los Reyes, had  
13 litigated the case and the matter against it had not been adjudicated. Dkt. No. 37. I wrote:

14 I expect that Whitaker and Mercado Los Reyes will timely complete the  
15 requirements of General Order 56. Once this case is resolved by mediation or  
16 litigation as to Mercado Los Reyes, I will entertain a renewed motion for entry of  
17 default judgment against the defendants in default.

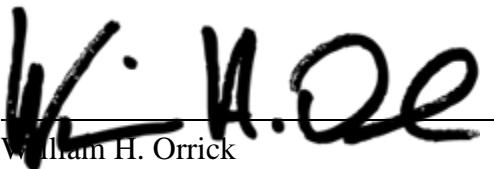
18 *Id.* at 2:13-15.

19 On February 22, 2023, Whitaker notified the court that he had reached a settlement with  
20 Mercado Los Reyes, but that the case against defendants John Susa and Annette Susa was still  
21 pending. Dkt. No. 42. As of today, he has not filed a renewed motion for default judgment, notice  
of settlement, or any other papers regarding the remaining defendants.

22 Whitaker is hereby ORDERED TO SHOW CAUSE why this matter should not be  
23 dismissed for failure to prosecute by filing a renewed motion for entry of default judgment or  
24 dismissing the remaining defendants **by April 18, 2023.**

25 **IT IS SO ORDERED.**

26 Dated: April 4, 2023

27  
28   
William H. Orrick  
United States District Judge